IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

OP.No. 14000 of 2003(N)

PETITIONER:

P.I.SAFIYA BEEVI
AGRO-TECH INDUSTRIES & EXPORTERS,
M.C.ROAD,KANJIRAKKAD,PERUMBAVOOR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. **KERALA STATE ELECTRICITY BOARD, REP.BY ITS SECRETARY,VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.**

2. **THE EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, PERUMBAVOOR.**

3. **THE ASST.EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, PERUMBAVOOR.**

BY ADV. SRI.C.C.THOMAS, SC, K.S.E.B
SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.No.14000 of 2003

Dated this the 12th day of December, 2006

JUDGMENT

Petitioner approached this court with certain grievances regarding the electricity bills. It is seen that the matter has been considered by the appellate authority leading to Ext.P8. On one aspect Ext.P8 requires reconsideration since it is now settled law that for the unauthorised load the penalty has to be limited to the fixed charges and not to proportionate energy charges. In other words for the unauthorised additional load the penalty can only be the fixed charges in view of the judgment in W.A.No.1231/2003. I quash Exts.P8 and P9 with a direction to the 3rd respondent to issue a revised bill limiting the penalty regarding unauthorised load only to fixed charges. In all other respects the orders will stand. The needful shall be done within a period of three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.14000/2003

JUDGMENT

12th December, 2006